

Elite Capture Syndrome and Anti-Corruption Control in Nigeria: The Economic and Financial Crimes Commission and The Independent Corrupt Practices Commission in Perspective

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Abstract

Like many African states, Nigeria has hitherto been caught in the web of pervasive acts of grand and petty corruption. The pervasive nature of political and bureaucratic corruption in Nigeria has undeniably impoverished her economy and, as such, warranted the establishment of the EFCC and ICPC. However, anti-corruption agencies have not been able to control corruption to a minimum, as Nigeria remains poorly ranked in the global corruption index. This research takes on a critical and comparative lens to understand the nature of class politics in the fight against corruption, to examine the level of high-profile prosecutions, to identify irregularities in the institutions of law enforcement, and to consider the level of transparency and accountability for recovered loot and confiscated properties. The study finds, among other things, that powerful elites have high-jacked anti-corruption fights of the EFCC and ICPC, with low-profile convictions in Nigeria, and public accountability and transparency regarding recovered loot is almost nonexistent. The Elite Capture paradigm is employed as a theoretical guide in its narrative.

Keywords: Anti-Corruption, Economic and Financial Crimes, Elite Capture Syndrome

I. INTRODUCTION

Studies have shown that corruption is a major problem in developing countries and, indeed, the world over. While some states have made remarkable progress in the fight against corruption, others seem to be regressing. Taking a cursory look, the United Kingdom has a seemingly clean corruption slate based on rankings by Transparency International (TI) and the Basel Institute. From 2012 to 2020, the UK has not gone beyond a Corruption Perception Index (CPI) score of 82, positioning it as one of the least corrupt countries in the world [1]. However, questions have been raised about the narrow criteria being used to certify the country as corruption-free. Some writers have argued that the bulk of illicit flows from poor countries is a product of the nefarious activities of multinational companies, which, of course, come from the so-called developed and corruption-free countries, including Britain. This corruption dynamic allows advanced countries like the UK to distance themselves from scandals [2].

In South Korea, there is chronic evidence of corruption. Governors, ministers, and presidents have been charged with grand theft of public funds, including former president Lee Myung-Bak, who was sentenced to 15 years in jail for corruption, making him the fourth president to be jailed for corruption [3]. The country, according to Dan Hough [4], has made considerable progress as well as regressed in the fight against corruption; the government is quick to condemn acts of corruption but reluctant to deter patterns of behaviour that bring personal gains. And more so, its Anti-corruption Agency (ACA) is seen as a tool for persecution in the hands of the ruling elite.

The same trend holds sway, even peculiarly in African countries except Botswana. For several decades, Botswana has scored the lowest CPI in the continent and the corresponding highest scores in good governance [5]. Between 1980 and 2018 alone, USD 1.3 trillion was estimated to be the volume of illicit financial flows from the rest of the continent [6]. In the Democratic Republic of Congo, for instance, General Mobutu Sese Seko looted the country's economy until he was richer than the entire country. To this end, Ethridge and Handleman [7] emphatically concluded that most African leaders suffer from the HGMC syndrome—hunger, greed, manipulation, and corruption.

In Nigeria, minister of Information Lai Mohammed stated in 2016 that some government ministers and other officials had looted a sum of around 1.34 trillion naira (about US \$6.8 billion) [8]. Therefore, the establishment of anti-graft agencies at the beginning raised the hopes of Nigerians, with high expectations that the agencies would bring to book corrupt public officials and also act as deterrence for others, but this hope soon dwindled after. While corruption also occurs in the private sector, the level of corrupt acts in the public sector is blatant and more consequential, particularly in the political arena of the Nigerian Federation. In spite of the levels of widespread corruption, the anti-corruption campaign seems caught in the web of corruption itself and calls for critical interrogation.

Some types of corruption are more damaging than others, though all corruption is bad. It's difficult to confront all types of corruption at once. Thus, claiming to combat corruption in developing countries by practising a to-do list of governance reforms sounds impressive and worthy of support. Still, such attempts often ignore more projected and practicable policies that can boost economic development. Government anti-corruption policies rarely target corruption that wastes investment funds. Anti-corruption fights, reforms, and other governance efforts can set unachievable targets, causing unintentional disappointments and reform fatigue as failure becomes inevitable. Most government anti-corruption policies hardly concentrate on the types of corruption most damaging to development, that is, corruption that wastes precious investment resources. Thus, reform priorities should satisfy actual challenges and circumstances; otherwise, anti-corruption fights, reforms, and other governance efforts can set unachievable targets, eventually causing unintentional disappointments and reform fatigue as failure becomes indubitable.

The purpose of this study is to examine the nature and dynamics of elite control in Nigeria's anti-corruption management by focusing on the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC). How many accused public officials were prosecuted? Is there class politics in Nigeria's anti-corruption management? Are there irregularities in the judicial sector? What happens to confiscated and recovered money and properties? This paper tries to answer these questions and more. Thus, the study covers the period from 2013 to 2019, indicating the Jonathan and Buhari administrations, which recorded worsening levels of corruption in Nigeria. The study is qualitative research. It adopts a descriptive method of data analysis, using sources from relevant secondary data.

II. LITERATURE REVIEW

A. Corruption

Most social phenomena are nearly impossible to conceptualize due to behavioural and epistemological dynamics. Like the concept of development, corruption is multi-faceted, and its meaning often differs across various cultural contexts. Should corruption be judged by individual morality, public duty, or "grand" or "petty" acts? After all, what is corruption to one might be culture to another. However, there seems to be a consensus as to what amounts to corrupt practices across all cultures of the world. In general, corruption refers to criminal actions or improbities carried out by a person or organization entrusted with a position of authority, often to acquire dishonest benefits or the abuse of entrusted power for private gain [8].

The United Nations Development Programme (UNDP) provides a generally accepted definition of corruption as "the misuse of public power, office, or authority for private benefit—through bribery, extortion, influence peddling, nepotism, fraud, speed money, or embezzlement" [9]. This definition implies that a person cannot be said to be corrupt if they do not have the authority to make personal gain. Therefore, people who are economically disadvantaged and have no access to any public office or authority cannot be said to be corrupt. Conversely, Marxists view corruption from a radical perspective. They will rather look at the whole phenomenon of corruption as a struggle between classes: the haves and have-nots, the ruling class, who are the elites, and the working class, or the masses. The ruling class maintains the status quo at the expense of the masses, which is most often achieved by monopolizing and abusing public authority and resources [10].

In the African context, corruption is often conceptualized along the lines of patronage and has deep-seated cultural roots. The structure of the patronage system is based on social relationships between clients seeking a man with the ability of friendship, power, and connections to "protect" them and a patron who accepts these duties in return for political allegiance. In patronage, the transactor (patron) has the power to offer gains that the respondent (client) desires [11]. In Nigeria, patrons are referred to as "big men". It has an equivalence in local languages that has been in use since the pre-colonial era. A big man is referred to as "maigida," "baba-isale," or "Nnam-Ukwu" in Hausa, Yoruba, and Igbo, respectively.

In other words, the concepts of elitism or godfatherism are not strange; neither is the giving of kola by a client to his patron or any stranger. Rather, what is strange and much more disturbing is the evolution of this socio-economic system into the political field and, worse still, the incredible nature of what patrons now ask for from their clients as a reward for providing them with illicit services. To this, Ogunyemi Adetunji asserts that "corruption is a social vice that confers some rewards (tangible or intangible) on perpetrators at the expense of their victims, be they individuals or sovereign states" [12].

In Nigeria, the most notorious form of corruption is public sector corruption, which entails bureaucratic and political corruption. Bureaucratic corruption refers to the corrupt acts of appointed bureaucrats who are charged with policy implementation and their illicit engagements with the political elites or with the public [13]. Political corruption is often regarded as grand corruption. According to Johnston [14], political corruption refers to "any transaction between private and public sector actors through which collective goods are illegitimately converted into private-regarding payoffs." Political corruption involves decision-makers in a political system. It happens at the highest levels of government and is the most pervasive form of corruption [15].

The previous suggests that the loci of most corruption discourses centre on money crimes. Therefore, in this study, corruption would be said to have taken place when a person makes use of their public office to acquire personal gains. Corruption is certainly not restricted to public officials, as individuals in private companies also indulge in bribery to provide goods and services, especially when such services are in short supply. However, corruption in the public sector is more pervasive and destructive and thus calls for more intervention. Thus, this paper focuses on political and bureaucratic corruption.

B. Anti-corruption

Anti-corruption arrived in the 1990s, and since then, several debates have occurred as to what constitutes Anti-Corruption Agencies (ACAs); that is, what and how activities and performance constitute their anti-corruption. ACAs are a specialized police agency for fighting corruption, particularly political corruption, and engaging in general anti-corruption activities. According to the specifications of the United Nations Convention against Corruption (U4 Brief 2017) [16], the ICPC and EFCC in Nigeria are anti-corruption law enforcement agencies, as the other existing government agencies perform preventive and alarm-raising duties rather than prosecutorial anti-corruption duties. However, anti-corruption is commonly perceived as a dog that can barely raise a whimper.

If corruption is the misuse of (public) power for private gains, then anti-corruption is its inhibition and prosecution. It takes various legal and moral forms, strategies and activities, ranging from preventive to reactive measures, undertaken majorly by governments and even civil societies, mostly through the establishment of ACAs. The World Bank defines an anti-corruption agency as "a body that reviews and verifies official asset declarations; carries out investigations of possible corruption; and pursues civil, administrative, and criminal sanctions in the appropriate forums" [8]. The narrative of this research paper will hinge on the elite capture framework to analyze the operationalism and functionalism of ACAs in Nigeria critically.

C. The Elite Capture Paradigm in Theoretical Perspective

The origin of the elite capture framework can be traced to elite theory and the interest group capture paradigm. These theories have expanded with increased awareness and critical thinking about governments and the top ruling class, and they support the arguments of the oligarchical tendencies of the state. The foremost classical theorists agree that elites selfishly utilize political authority by manoeuvring state powers to maintain their power status. The theory has evolved several times and has been used to explain several concepts in modern times, including corruption [17].

Elite capture basically means the capture of government decision-making or resources. It implies the existence of unequal access to power; some have greater access to power due to caste, financial status, gender, and other factors, and the ability to influence the unequal distribution of resources to the interests of a few elites while flagrantly disregarding those who do not have such public access [17], [18]. The bulk of the elite capture postulations centre on the operational lopsidedness of local and central governments. This is because contemporary policy-makers agree that a decentralized government structure is more effective in public service delivery than a centralized one. This common argument comes from the fact that local governments have the information they need to spread resources out evenly.

According to the paradigm, centralized public delivery systems are prone to corruption and thus cannot ensure an equitable distribution of public resources. Paradoxically, the fact that the central governments are prone to corruption makes the local governments rather exposed to the risk of capture by a few powerful elites [19], [20]. The theory thus centres on elites—a relatively small fraction of people in a society who enjoy unusual power or authority. The question often arises as to whether these people have become elite after acquiring power or whether they have acquired power due to their elite status. However, superiority in physical violence (with either formal military or informal armed groups) and the wealth of society, as well as other matters, often go hand-in-hand with corrupt tendencies.

In summary, the common premise of elite capture submits that elites acquire ruling authority without the aid of certain legitimacy or power in a given political system. They gain or retain power due to the monopoly of the means of coercion, wealth accumulation, religious affiliations, and so on. Some elites may start exploiting the superiority of the monopoly of coercion to take over assets used or held by others (public infrastructure, oil rent, and budget allocation, amongst others). In turn, this capturing of public assets may turn elites in terms of violence into elites in terms of wealth. Furthermore, they are likely to have support from sections of affiliated elite groups. Cooperation between political oppositions at times when levels of public dissatisfaction begin to rise in society poses a potential threat to the ruling elite. At such a time, the elite-captured states encounter the urgent need to transfer public resources for wealth accumulation for themselves and their loyalists, often through patrimonial and nepotistic settlements, as palliative measures. Thus, they rarely see the need to meet the demands of the citizens at large (as in the case of democratic governments of most developing countries, like Nigeria).

There are, however, different forms of elite capture, ranging from colonial invaders to indigenous ruling (democratic) elites. The focus here is on elite capture under democracy. In such a situation of elite capture under democracy, political power is mostly shared among a small section of elites in terms of wealth, education, and

social status. It is so because they can enact laws and constitute norms in such a way that their access to public resources for their advantage is made legal or legitimate. As a result, significant resources could be spent on the needs of the elite leaders without society perceiving it as illegal or corrupt [10].

This paradigm aptly depicts the nature of corruption in Nigeria's political system. The power of the state is vested heavily in the federal government, from where the state and local governments are controlled and manoeuvred, and resources are conveniently shared among cronies. When corrupt leaders pretend to control corruption, it leads to an oligarchic war of might between political parties and factions; the ACAs appear to have devolved into nothing more than mere state thugs fighting political opposition.

III. RESULTS AND DISCUSSION

A. *An Overview of Corruption And Anti-Corruption In Nigeria*

The Federal Republic of Nigeria, the most populous country and largest economy on the African continent, is immensely caught in the web of political (and bureaucratic) corruption at an undeniably alarming rate. Historically, corruption and different forms of non-accountable practices featured in the fiscal operations of Nigeria's colonial administration. The legal and institutional frameworks that were established to ensure conformity with good practices of fiscal prudence did not deter corrupt colonial officials from being involved in illegal activities. According to UNODC [21], several reports account for an estimate of over \$400 billion having been lost to corruption between 1960 and 2012. Nigeria still maintains a poor corruption index of 154/180.

Consequently, in Nigeria today, there is a considerable lack of faith in elected and unelected public servants across the nation. The level of corruption in the public sector is blatantly higher compared to corrupt practices in the private sector, and this is largely due to the rent-seeking nature of the economy. According to Transparency International [22], there is evidence that corruption in Nigeria has two main goals: to extort rents from the state (through acts like bribery, nepotism, embezzlement, and so on) and to maintain power (through acts like judicial corruption, political patronage, and electoral corruption).

Furthermore, these forms of corruption are closely related to the existing social norms of the country. It is essentially due to the patrimonial nature of the state [22]. Some of the prevalent forms of corruption in the Nigerian public sector include bribery, electoral corruption, ghost workers phenomenon, budgeting corruption, nepotism, forgery, theft, and procurement scams, among others. Thus, over the years, successive governments have designed various policies, measures, and programs to fight the menace of corruption, like Shagari's policy of Ethical Revolution to fight corruption through the introduction of a Code of Conduct for public servants introduced in 1981; the War Against Indiscipline (WAI) by the Buhari/Idiagbon administration in 1984; the Ethical and Social Mobilization Crusade by the Babangida regime in 1986; and the War Against Indiscipline and Corruption (WAI-C) by Abacha's administration in 1994. These efforts were invariably cosmetic, as they remained at the level of rhetoric and did not yield any significant change. Presidents Obasanjo and Buhari have taken the most aggressive anti-corruption stances so far [12], [23].

After relatively revamping the country's economy from the past jeopardy of corruption in 2014, Obasanjo, a former military head of state who was sworn in as the first civilian president after long years of military rule, vouched to tackle corruption and established two bodies—the EFCC and the ICPC. The EFCC, under the leadership of a senior police officer, Nuhu Ribadu at the time, made a major revelation about the level of corruption in Nigeria when he announced in a statement to the US Congress that: "Between 1960 and 1999, Nigerian officials had stolen or wasted more than \$440 billion. That is six times the Marshal Plan, the total sum needed to rebuild a devastated Europe in the aftermath of the Second World War" [23].

Other anti-corruption institutions are the Code of Conduct Bureau (CCB) and its tribunal office, the Office of Due Process, the Bureau of Public Procurement (BPP), the Nigeria Extractive Industry Transparency Initiative (NEITI), the Nigerian Police Force (NPF), and the Public Complaints Commission (PCC). Thus, the analysis proceeds by focusing on the EFCC and ICPC because of their strategic and constitutional importance in Nigeria's fight against corruption.

B. *The Economic And Financial Crimes Commission And The Control Of Corruption In Nigeria*

The EFCC was established through an act of parliament in 2002 and started operations in 2003. The act mandates the EFCC to combat financial and economic crimes. The commission is empowered to investigate, prosecute, and penalize economic and financial crimes. It is mandated with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes, including the EFCC Act (2004), the Money Laundering Act (1995), the Money Laundering (Prohibition) Act (2004), the Advance Fee Fraud and Other Fraud Related Offences Act (1995), the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act (1994), the Banks and Other Financial Institutions Act (1991), as well as the Miscellaneous Offences Act [23].

The agency is acclaimed for having cleaned up the banking sub-sector, reorganized critical agencies of government, prosecuted and convicted corrupt top public officers, and recovered and returned proceeds of crime,

among other things [24]. However, from 1999 to 2020, there have been unending cases of corruption allegations and counter-allegations against high-ranking Nigerian government officials, including some of the recent allegations against Rochas Okorocha, immediate past governor of Imo state; Dame Patience Jonathan, wife of the immediate past president; Abdullahi Umar Ganduje, the Kano State governor who was secretly filmed stuffing bundles of dollars into his robes; the recent N40 billion corruption allegation against the acting Managing Director of the Niger Delta Development Commission (NDDC), Professor Kemebradikumo Pondei, and a host of others [25].

The former governor of the Central Bank of Nigeria, Sanusi Lamido Sanusi, in 2013, wrote a letter to President Goodluck Jonathan alleging that US \$20 billion in revenues owed to the state had not been remitted by the Nigerian state-owned oil company, the Nigerian National Petroleum Corporation (NNPC). The minister denied the allegation but admitted that the amount not remitted was US \$10.8 billion, which was to be paid for subsidies [26]. Another major allegation was levied against former national security advisor to President Goodluck Jonathan, Sambo Dasuki, who was accused of misappropriating US \$2 billion meant for the purchase of arms against the Boko Haram terrorist group and was consequently sentenced to seven years in prison. The former governor of Taraba state, Jolly Nyame, was convicted for the misappropriation of N1.64 billion belonging to the state and was consequently sentenced to a 14-year jail term on 30 May 2018, and the jail term was subsequently reduced by another court [27], [28].

Sowunmi [24] categorized corrupt public officials into two categories: very bad cases and not-so-bad cases. From former Governor Lucky Igbenedion (very bad case) to Air Vice Marshal Olutayo Oguntoyinbo (not-so-bad case), it appears that the very bad cases, irrespective of political party affiliation, are publicly named, scrutinized, and sometimes prosecuted. In contrast, the not-so-bad cases are prosecuted based on party affiliation and frequently with quiet forfeitures of their loot.

C. The Independent Corrupt Practices Commission (ICPC) And The Control Of Corruption In Nigeria

The ICPC was originally intended to be Nigeria's primary institution to address corruption in the public sector. Still, after its inception in 2000, the EFCC was created two years later as a legacy project of the presidency and became the seemingly prominent ACA in the country. In a public opinion poll of Nigerians in 2008, only 16% of respondents mentioned the ICPC as the anti-corruption agency that first came to their mind, compared to 81% of respondents who named the EFCC. Created in the year 2000 with the National Assembly's passage of the Corrupt Practices and Other Related Offences Act, the ICPC has broader powers than the EFCC to fight public sector corruption and is more independent of the dictates of the presidency [29]. For example, the ICPC has broader powers than the EFCC to confiscate the assets of alleged corrupt public officials and compel the production of financial information. Even though the institution has a lot of power, to most people, it is widely ineffective and has not shown much interest in high-level corruption cases.

As of 2011, the agency had arraigned 520 people on various corruption charges and secured 25 convictions, but only 10 of the defendants were nationally prominent political figures. Out of those cases, seven defendants charged in 2005 died or had their cases dismissed, and only one case resulted in a conviction. In June 2010, former chairman of the National Drug Law Enforcement Agency (NDLEA), Bello Lafiaji, was sentenced to four years in prison on seven counts of money laundering, including taking €164,300 to release a suspect arrested on drug charges [29]. Some critics, including the former Attorney General Mohammed Adoke, have called for the merger of the ICPC with the EFCC to enhance anti-corruption efforts. While other observers like the Human Rights Watch (HRW) opine that there is not necessarily any reason to believe that simply merging or restructuring these institutions would address the root causes of their disappointing records, the latter opinion holds sway in this study.

D. Elite Capture Syndrome And Challenges Affecting Nigeria's Anti-Corruption Agencies

Anti-corruption management in Nigeria is characterized by certain features that suggest that the ruling elites have captured the EFCC and ICPC in their control of corruption. These characteristics include the preponderance of low-profile prosecutions, government interference in the activities of the agencies, elite impunity, judicial irregularities, and intra-agency corruption within the ranks and files of the ACAs themselves. Suffice it to say that the fight against corruption in Nigeria can be described as a fight against an oligarchy with immense resources to fight back, as the EFCC is failing to successfully prosecute top government officials [23]. Significantly, there is a widespread belief that the EFCC's activities are politically influenced and that most of the achievements attributed to it through local and foreign media are mostly propaganda.

There is undeniable government interference in the activities of the EFCC and ICPC. It is observed that the anti-corruption rules are not applicable except when in a bid to frustrate the opposition. Reports from the daily news support this view, as seen in the N1.3 trillion power and aviation probes. These are strong pointers to the fact that the administrations of former president Obasanjo and incumbent president Buhari, which claimed zero tolerance for corruption, are not, after all, free from corruption, despite their belligerent rhetoric [23], [24]. Similarly, there was evidence suggesting a trend of high-ranking politicians decamping to the ruling party in order

to secure some reduction in criminal charges running against them. For example, the corruption investigations against Musiliu Obanikoro (former minister under the People's Democratic Party (PDP), Godswill Akpabio (former Governor of Akwa Ibom), and Martins Elechi (former Governor of Ebonyi State) appear to have been discarded, forgiven, and forgotten [23].

Despite defections to the ruling party, a politician considered a threat to the ruling coalition may still be investigated. For example, despite crossing from the former ruling party (PDP) to the current ruling All Progressive Congress (APC) party, there was vigorous anti-corruption prosecution against the immediate past president of the Senate, Bukola Saraki. It was largely due to the fact that he was a threat to the elites of the APC. A review of EFCC prosecutions reveals that cases involving top politicians, such as former governors and government ministers, that have been filed since 2007 have seen very limited progress. Indeed, out of about 31 former governors, only two—Dariye and Nyame—have been convicted with reduced sentence terms from 14 years to 10 years and 12 years [24], [28]. According to records of the EFCC, the agency has prosecuted 30 nationally prominent political figures on corruption charges and recovered over US \$11 billion through its efforts. However, the agency has an overwhelming record of 10 convictions in 17 years, that is, from 2002-2019, many of which obtained plea bargains [30].

Ironically, there are intra-agency corrupt practices within the ranks and file of the ACAs, particularly the EFCC, like the case of the pot calling the kettle black. Under Waziri's leadership, the EFCC was accused of systemic corruption. There have been numerous petitions from fraud victims who explained how they had approached the EFCC for assistance only to have its operatives demand a large cut of any assets ultimately recovered. In fact, the US embassy personnel were also reported to be suspicious of Waziri's "questionable ties" to leading political figures who were accused of corruption at the time [30]. Worse still, Ibrahim Magu, the chairman of the EFCC, is currently facing allegations of fraud and misappropriation of funds. He was recently suspended from office in July 2020 following his arrest and detainment. According to the narrative, the chairman was charged with corruption and then suspended because he led an investigation into the Attorney-General of the Federation's corruption and, thus, the power payback [31].

Under the Ibrahim Magu-led EFCC, the commission recorded a total of 603 convictions between 2015 and 29 May 2018. An aggregate of 103, 195, and 189 convictions were recorded in 2015, 2016 and 2017, respectively. Most of these convictions were secured within three years of filing the cases in court. These cases, however, can be classified as low-profile economic and financial crimes such as advance fee fraud (obtaining by pretences), criminal conspiracy, criminal breach of trust, forgery and uttering, employment scams, impersonation, and currency counterfeiting, rather than "grand" crimes such as embezzlement of public funds, illegally dealing in petroleum products, money laundering, and the like. As a result, cases involving large sums of public money, and especially prosecutions involving politically exposed individuals, are rarely concluded within three years [23], [30].

There are several examples of seemingly untouchable corrupt elites in the country, which have reinforced the public's doubt about the federal government's anti-corruption fight. There was the issue of the re-appointment of Abdurashheed Maina, who had earlier been declared wanted over allegations of corruption, and also the withdrawal of the corruption case against ex-governor Danjuma Goje of Gombe State, including public out-cries and petitions for the EFCC to investigate APC party chieftain, Ahmed Tinubu, for possessing two bullion vans of unknown amounts of cash and doling that cash out for vote-buying and other election manoeuvrings [32].

Furthermore, there are certain palpable technicalities inherent in the legal prosecution of corruption, like the controversy surrounding prosecuting allegations of "gift corruption." For example, former Chief of Training and Operations Officer, Air Vice Marshal Olutayo Oguntoyinbo, had been standing trial for receiving a "gift" of N166 million from a contractor under his management, but in an interesting twist, was acquitted of the charge of "corruptly accepting the gift" at an Abuja High Court. The alleged "gift" was put into the account of a company run by the Nigerian Air Force Chief by the contracting company, Societe Equipment Internationaux Nigeria Ltd, as part of the contracting process [25].

The Honourable Justice Olukayode Adeniyi pronounced the verdict of 'not guilty' of the charge proffered by the EFCC under the Corrupt Practices and Other Related Offences Act, 2000. The "gift", which had hitherto been forfeited into the Office of National Security Adviser Recovery Account, was sentenced to have been "erroneously recovered" according to the court's ruling and to be returned to the Air Chief after that. The defendant was thus discharged and acquitted of the one-count charge levied against him by the prosecution. The judge also agreed with the defence counsel that the prosecution had failed to prove the "gift" was more than just a gift; that it was an inducement, in fact [25].

In the same vein, judicial irregularities in Nigeria's anti-corruption war have been palpable and undeniable, particularly in cases involving political bigwigs. The reputation of the Nigerian judiciary has been questionable over the years. Most astonishing was the US diplomatic cable's revelation on the WikiLeaks whistle-blower site that Dimeji Bankole, a former Speaker of Nigeria's House of Representatives, claimed that he had proof that supreme court justices took bribes to validate Umaru Yar' Adua's election as president in November 2008. To

further bolster this, Obasanjo affirmed that the Nigerian judiciary is corrupt. According to him, "If the judiciary becomes corrupt, where is the hope for the nation? Justice, no doubt, will go to the highest bidder" [25]. Over the past decade, lower court judges have handed out an unprecedented number of election-related injunctions to various candidates for office. The blizzard of injunctions was so much that many critics suspected some judges were essentially offering them up for sale. According to Olisa Agbakoba, lawyer and former Nigerian Bar Association president, "Former governors have tremendous leverage over the system. I don't know if they had judges in their pockets, but I do know the system was on their side" [24], [25].

Nonetheless, the performance of the EFCC in the past administrations is nearly laudable. There was a reasonable reduction in the area of fraud, particularly in the banking sector, and flagrant abuse of office by serving public officials. In fact, it was a common saying that "the fear of the EFCC is the beginning of wisdom." However, in the current administration of President Buhari, the ACAs are no more than toothless bulldogs who merely bark during elections and otherwise threaten and contain opposition. Under the watch of the EFCC and ICPC, public funds have been callously looted and blamed on fire, snakes, termites, and some other absurd excuses with impunity.

E. Recovered Loot and Confiscated Corruption Proceeds

The effects of corruption in Nigeria are flagrant and outrageous. There are glaring consequences for national development: absence of basic infrastructure such as portable water, poor health services and good road networks; misappropriation of national resources leading to massive poverty; mediocrity in leadership; cluelessness in professionalism; deficiency of leadership outputs; high unemployment rate; youth hopelessness and restiveness; the continuous widening gap between the rich and the poor; falling standard of education leading to the production of low-quality graduates, to mention but a few. Corruption also reduces economic growth, enhances inequalities, and reduces the government's capacity to respond to people's needs—all of these amount to poverty and underdevelopment. Accordingly, the TI ranked Nigeria as the second most corrupt country in the world between 2001, 2002 and 2003 [33]. When Nuhu Ribadu took over as head of the newly established EFCC in 2003, Nigeria's reputation for corruption slowly started to decline to 146/180 as of 2019 [1].

The EFCC chairman announced that the agency had been able to recover N500 billion in 2017 alone. However, there was an unclarified discrepancy in figures between the EFCC and the Ministry of Finance, as the then Minister of Finance, Kemi Adeosun, countered that her ministry accounts for N91 billion in recovered loot by the EFCC since May 2015, contradicting the figures provided by the EFCC chairman, Ibrahim Magu [34]. The table below shows the list of cash recovered between 29 May 2015 and 25 May 2016. These recoveries of plundered resources could be of the utmost benefit to Nigeria. Thus, it would be expected that these recovered looted properties and cash would be used to improve the economy and quality of life for the people. However, most of this recovered loot is said to have been expended on unknown infrastructure development or is caught up in legal wranglings [35], [36].

IV. CONCLUSION

The study set out to examine the nature and dynamics of elite capture in Nigeria's anti-corruption management, with a focus on the EFCC and ICPC. It affirmed that Nigeria is indeed ridden with grand acts of political corruption with devastating effects on the nation's economy. However, corruption cannot be combated by merely practising a laundry list of desired governance reforms, which may sound impressive and worthy of support but are often excessive and prone to institutional fatigue. Furthermore, the study identified that the EFCC and ICPC are webbed in the whims and caprices of the presidency and Nigeria's primordial and nepotistic political system, which has invariably made the public lose confidence in their operations. As such, the anti-corruption campaigns of the EFCC and ICPC are largely oligarchic rather than dutiful.

Additionally, the EFCC and ICPC meet many of the requirements of the UNCAC and qualify as standard anti-corruption agencies. Nonetheless, the implementation of these requirements is rarely demonstrated from the point of investigation, prosecution, and loot recovery. These necessities are mostly due to constant political interference in the operations of the ACAs.

Although commendable efforts have been made in Nigeria to recover loot, many of these recoveries have gone unaccounted for. Moreover, standard anti-corruption control transcends mere loot recoveries. That is, loot recovery is the lowest on the list of anti-corruption standards of operations in global best practices. It also significantly includes the prosecutorial capacity and capability of ACAs, especially high-profile prosecutions, which ensures deterrence. And also, having tough-talking, no-nonsense leadership is a necessary but insufficient prerequisite for controlling corruption. Other prerequisites may not directly trigger corruption but may create an enabling environment for corruption to thrive that must be well controlled.

Finally, the elite capture framework employed in the narrative of this study depicts the nature of corruption in Nigeria's political system. The power of the Nigerian state is vested heavily in the federal government, from where

the state and local governments and all their institutions are controlled and manoeuvred, and resources are conveniently shared among cronies. The paradigm demonstrates that when corrupt leaders pretend to control corruption, it leads to an oligarchic war of might between political parties and factions. Thus, the ACAs have become nothing more than mere state thugs fighting political opponents instead of discharging their lawful duties in accordance with global best practices.

The following recommendations may be considered:

1. The anti-corruption strategy of the government should include human developmental strategies as preventative and proactive approaches in order to achieve a sustainable, integrity-based society.
2. The EFCC and ICPC should perhaps focus on acts of corruption that are most damaging to national growth and development rather than burdening themselves with all acts of corruption in the country.
3. High-profile cases should be properly concluded because they often bear a heavy cost to the nation's treasury.
4. Confiscated properties and recovered loot must be properly accounted for and judiciously utilized. Therefore, the EFCC and ICPC must demonstrate public transparency and accountability by giving proper periodic accounts to the public.
5. Lastly, the bill that sets up these anti-corruption agencies, the EFCC and ICPC, needs to be amended a little bit so that they are truly free from the whims of the presidency in their various activities and operations.

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